



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 387 OF 2026 (GM-FC)

BETWEEN:

ASADULLA SHARIFF
S/O AGM SHARIFF,
AGED ABOUT 46 YEARS,
NO. 18, 21ST MAIN
GOPAL REDDY LAYOUT
JP NAGAR 5 PHASE
BANGALORE - 560 078.

...PETITIONER

(BY SRI. VARDHAMAN V. GUNJAL, ADVOCATE)

AND:

ANDALIB AISHA AKHIL SHAHI,
D/O MA SHAHI
AGED ABOUT 42 YEARS,
R/AT D-1, BSNL QUARTERS,
TELEPHONE EXCHANGE COMPOUND,
MARGOSE ROAD, MALLESHWARAM
BANGALORE - 560 055.

...RESPONDENT

(VIDE ORDER DATED 25.03.2026, NOTICE TO RESPONDENT
DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO DIRECT FAMILY
COURT IN OS NO.148/2021, PENDING ON THE FILE OF THE

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



VTH ADDL. FAMILY COURT, BANGALORE TIME-BOUND
DISPOSAL OF THE SUIT SEEKING DECLARATION OF
DISSOLUTION OF MARRIAGE AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

Heard Sri. Vardhaman V. Gunjal, learned counsel
for the petitioner.

2. This writ petition is filed by petitioner/husband,
under Articles 226 and 227 of the Constitution of India,
seeking direction to the Court of V Additional Family Court,
Bengaluru (hereinafter referred to as the 'Family Court') to
dispose of O.S.No.148/2021 which is pending on its file
time bound, with the following prayers:

*Wherefore, the petitioner prays that this
Hon'ble court may be pleased to:*

*1. Issue a writ of mandamus directing Family
Court in OS No.148/2021, pending on the file of the
Vth Addl.Family Court, Bangalore time-bound
disposal of the suit seeking declaration of dissolution
of marriage;*



2. Quash the order dated 09.11.2023 vide Annexure-A rejecting the IA No.6 and by common order passed by the Learned V Addl.Family Court, Bangalore;

3. Issue a writ of Mandamus directing Respondent NO.1 to immediately hand over custody of the minor son to the Petitioner in compliance with the Family Court order Vide Annexure D Dt.07-12-2023 in G and WC No.364/17 (Respondent No.1 has filed MFS NO.1768/2024-yet to be admitted) Direct Respondent authorities to stop recovery of rent from the petitioner's salary and initiate eviction proceedings;

4. Restrain Respondent No.1 from filing vexatious and frivolous complaints before the petitioner's employer on matrimonial issues;

5. Direct Respondents 2 and 3 authorities to stop recovery of rent from the petitioner's salary and initiate eviction proceedings;

6. Grant such other reliefs as this Hon'ble Court deems fit in the interest of justice.

Brief facts of the case are as under:

3. This is a petition under section 7(a) and 25 of the Guardians and Wards Act, 1890, read with Section 7(g) of the Family Courts Act, 1984, seeking to appoint the petitioner - father as the guardian and grant him



permanent custody of his minor children, Muhammad Daniyal Shariff and Muhammad Luqman Shariff.

4. The petitioner contended that following their marriage in the year 2004 which was performed under Mohammedan Law, the respondent began a course of harassment, mental torture, and abandonment of domestic duties. He asserts that the Respondent prioritized her career and personal interests over the children, often returning home late at night. That crucially, the children suffer from an Autoimmune Disease requiring specialized medical care and physiotherapy, which the petitioner claims to have provided single handedly while maintaining his aged parents. He further alleges the respondent maintained an illicit relationship causing a "terrorist atmosphere" in the home and leading to eventually leaving the household.

5. In the objections filed by the respondent/wife, she denied these allegations, portraying the petitioner as a



suspicious and abusive husband who forced her to work and then used her income for his own gain. She claimed to be the primary caregiver, documenting extensive medical treatment she funded herself. Notably, she informed the court that the elder son, Muhammad Daniyal, passed away on 07.01.2021, during the proceedings.

6. The Family Court, upon reviewing the evidence of parties, noted that while both are natural guardians, the Petitioner's testimony as a Civil Engineer earning Rs.1,00,000/- per month remained unchallenged. Significantly, the Respondent failed to subject herself to cross-examination despite multiple opportunities. Consequently, the Court drew an adverse inference against her, rendering her defense as having no legal consequence. Considering the surviving child's medical needs and the Petitioner's demonstrated financial capacity, the court appointed the Petitioner as the Guardian of Muhammad Luqman Shariff until he attains majority or until his medical condition is cured. The Respondent is



granted visitation rights subject to condition that she shall not not obstruct the child's education or medical treatment.

7. The petitioner contended that following their marriage in the year 2004 which was performed under Mohammedan Law, the respondent began a course of harassment, mental torture, and abandonment of domestic duties. He asserts that the Respondent prioritized her career and personal interests over the children, often returning home late at night. That crucially, the children suffer from an Autoimmune Disease requiring specialized medical care and physiotherapy, which the petitioner claims to have provided single handedly while maintaining his aged parents. He further alleges the respondent maintained an illicit relationship causing a "terrorist atmosphere" in the home and leading to eventually leaving the household.



8. Heard the learned counsel for the petitioner and perused the records. Notice to respondent is dispensed with.

9. The material on record discloses justification in the submission that is made by learned counsel for the petitioner. Therefore, this Court deems it appropriate to dispose of the writ petition and give directions. Hence, the following:

ORDER

- (i) Writ petition is ***disposed of***.
- (ii) The Court of V Additional Family Court, Bengaluru is directed to take all steps for disposal of O.S.No.148/2021 time bound, as expeditiously as possible.
- (iii) This Court is not issuing the notice to the respondent as no adverse orders are passed and disposed of the petition is in the interest of both the parties.
- (iv) As the writ petition is disposed of without notice to respondent, Family Court is directed to serve



copy of this order to the respondent so as to give notice to respondent, about filing of this petition and its disposal.

- (v) Registry to forward a copy of this order to the concerned Court forthwith.

Sd/-
(DR.K.MANMADHA RAO)
JUDGE

GJM
List No.: 1 Sl No.: 29